

Application No. 09/755,635

Atty Docket: BLFR 1001-1

**REMARKS**

In its response dated 21 March 2005, Applicants respectfully requested that restriction requirement be revisited. Applicants provisionally elected to prosecute claims 25-46 (Group II) and to withdraw claims 1-24 and 47-92, with traverse. Therefore, claims 1-24 and 47-92 were withdrawn, but may be reinstated. Claims 25-46 are currently pending in this application.

With regard to reconsideration of the restriction requirement, the Examiner respectfully disagreed with the Applicants remarks, and the requirement is still deemed proper. In addition, claims 25-46 are rejected to by the Examiner under 35 USC § 102 as being anticipated by Landvater (U.S. Patent No. 6,609,101, hereafter "Landvater").

**Interview Summary**

Applicants appreciate the Examiner's courtesy of an interview, 5 October 2005. Prior to the interview, we submitted a proposed agenda, the substance of which is reproduced below:

"The spirit of this interview is to advance the case towards allowance. We previously filed an appeal brief.

Applicants are mindful that a final rejection has recently been entered. Before filing an RCE, applicants would like to discuss with the Examiner the best way to advance the case towards allowance.

Issues for the interview include:

1. Difference between treating PQs separately or as part of safety stock. Potentially, allowing a user to select among mathematical treatments of PQs.
2. Whether naming of fixtures and named fixture operations are inherent in interfacing a planogram with Landvater's system, with reference to <http://www.glmshows.com/press/DisplayHandbook/planogram.htm>, which depicts a planogram without an intermediate abstraction level.
3. The limiting effect of claim 28, in light of the words of claims 25 & 27, from which it depends. The Examiner does not give as much weight to these limitations as does the Applicant.
4. Any amendments that will advance the case to allowance."

During the interview, we focused on claim 25. Applicants pointed to application pages 9-10, which identify display types as "tables, rounders, four walls, wall shelving,

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promotion tables, tills or display windows". The Examiner indicated that she was thinking of display styles or stackings, rather than display fixtures when she examined this claim. We discussed a simple amendment, such as made in this application, to refocus the examination and clearly overcome the art of record.

**Argument Regarding Restriction Requirement**

Applicant notes that the August 2005 revision of the MPEP provides further guidance limiting restriction requirements and requiring more than a formal recitation of burden. The Examiner's attention is directed to the updated provisions of the MPEP. Reconsideration under the currently applicable guidelines is requested, as the Examiner has proposed to divide five related cases on her docket into about 25 divisionals. Given the substantial overlap between the cases, so many restrictions does not reflect the effort required to examine such closely related cases.

**Rejection Under 35 U.S.C. § 102(e) of Claims 25-46**

The Examiner rejects claims 25-46 under 35 U.S.C. § 102(e) as anticipated by Landvater (U.S. 6,609,101).

**Claim 25**

Claim 25, as amended, includes the limitations:

*naming a plurality of display fixture types ("named displays") used by a plurality of selling locations;*

*associating numbers of the named displays present at the selling locations with the selling locations;*

These limitations are not found in Landvater. We previously explained that they present an intermediate abstraction and refinement that is not taught in or suggested by the reference. For instance, Landvater FIGS. 14-15 do not reference display fixture type naming. Col. 1, lines 40-50 and col. 2, lines 20-27 call out deficiencies of earlier systems, not features of Landvater's system. Lack of a display fixture type naming is not mentioned. Cols. 14-15 is where FIGS. 14-15 are explained, clearly without mention of display type naming.

During our interview, the Examiner explained that she had not been considering named fixtures to be the subject of the claim. She suggested using "fixture" in the claim and acknowledged that Landvater does not make use of named display fixtures.

Therefore, claim 25 should be allowable over Landvater.

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Claims 26-46

Claims 26-46 should be allowable over Landvater for at least the same reasons as claim 25 from which they depend.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance and solicit acceptance of the claims.

The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,



Ernest J. Beffel, Jr.  
Registration No. 43,489

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HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
Telephone: (650) 712-0340  
Facsimile: (650) 712-0263